**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**Crl.Misc. No.80465-M of 2006**
**Date of Decision:- 29.3.2007**

Surender @ Sunder ....Petitioner(s)

through
Mr.Pawan Hooda, Advocate

vs.

State of Haryana & anr. ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr. DAG, Haryana.

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**CORAM:-HON'BLE MR.JUSTICE SURYA KANT.**

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**SURYA KANT, J.**

The petitioner, who is undergoing 10 years' rigorous imprisonment for an offence under the N.D.P.S.Act, is aggrieved at the order dated 21.11.2006 (Annexure P-2) passed by the Director General of Prisons, Haryana whereby he has been denied temporary release on parole for agricultural purposes on the ground that there is no agricultural land in his possession.

It is contended that the petitioner's father owns some agricultural land. It is also claimed that the land owned by the petitioner's father is undivided agricultural land which used to be cultivated by the petitioner before his conviction.

Under Section 3(1)(c) of the Haryana Good Conduct Prisoners (Temporary Release) Act, 1988 a prisoner is required to be in cultivating possession of the agricultural land either owned by himself or his father's undivided agricultural land. It is quite possible that prior to his conviction, he was also in cultivating possession of the undivided agricultural land owned by his father. Unfortunately, the aforesaid aspect of the matter has not been considered by the concerned authorities.

Consequently, this petition is disposed of with a direction to the Director General of Prisons, Haryana to reconsider the petitioner's case after getting it reverified as to whether or not immediately prior to his conviction, the petitioner was in cultivating possession of the undivided agricultural land owned by his father. Necessary exercise shall be carried out within two months from the date a certified copy of this order is received.

Disposed of.

**March 29, 2007** **( SURYA KANT )**
poonam **JUDGE**